**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No. 19961 of 2006**

**Dated: 25.09.2006**

Between:

**V.Srinivasa Rao**

**.... PETITIONER**

AND

The Regional Manager, APSRTC,
Prakasam Region, at Ongole and others

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No. 19961 of 2006**

**Order**:

The petitioner is working as a Conductor in the respondent-APSRTC. Disciplinary proceedings were initiated against him, alleging cash and ticket irregularities. On the basis of the report submitted by the checking officials, a charge sheet dated 6.5.2005 was issued and petitioner was suspended pending enquiry. The enquiry officer submitted his report dated 20.8.2005 holding the petitioner guilty of the charges leveled against him. Based on the report of the enquiry officer, without issuing a show cause notice, proceedings dated 9.9.2005 were issued imposing the punishment of with holding the annual increment for a period of 18 months with cumulative effect, and explanation was sought from the petitioner, as to why the period of suspension shall not be treated, as not on duty. Aggrieved by the same, the petitioner preferred an appeal dated 29.7.2005 before the appellate authority, which was rejected by order dated 23.11.2005. The review petition filed by the petitioner was also dismissed by order dated 6.12.2005. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that respondent No.3, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a period of 18 months with cumulative effect and calling upon the petitioner to show cause as to why the suspension period should not be treated as not on duty. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court

in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.*
>
> *The writ petition is accordingly disposed of. There shall be no order as to costs."*

Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 9.9.2005, passed by respondent No.3, imposing punishment of deferment of annual increment for a period of 18 months with cumulative effect, is modified to that of stoppage of annual increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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**N.V. RAMANA, J.**

Date: 25.09.2006
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